

1 ERSKINE & TULLEY  
A PROFESSIONAL CORPORATION  
2 MICHAEL J. CARROLL (ST. BAR #50246)  
220 Montgomery Street, Suite 303  
3 San Francisco, CA 94104  
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4 Facsimile: (415) 392-1978

5 Attorneys for Plaintiffs

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7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 BOARD OF TRUSTEES OF THE SHEET	)	NO. C 08 0306 BZ
METAL WORKERS, et al.,	)	
	)	
Plaintiffs,	)	SUPPLEMENTAL DECLARATION
	)	OF MICHAEL J. CARROLL IN
vs.	)	SUPPORT OF MOTION FOR
	)	<u>DEFAULT JUDGMENT</u>
C R SCHELLENGER H V A C INC., etc.,	)	
	)	
Defendant.	)	

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18 I, MICHAEL J. CARROLL, declare:

19 1. I am one of the attorneys for plaintiffs in this action  
20 and if called as a witness, I could competently testify to the  
21 following facts:

22 2. In a Notice of Contest filed August 1, 2008, Alex  
23 and Connie Schellenger contend they made attempts to set up a payment  
24 plan, Notice 2:10-19.

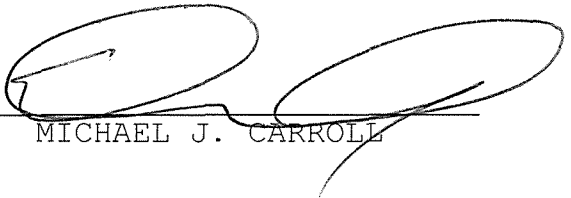
25 3. One letter was sent by CRS Wine Systems on February  
26 25, 2008 proposing a payment plan. See Exhibit 12. It offered to  
27 start \$1,400.00 per month payments in May; it also agreed to pay the  
28 penalties. This proposal was not acceptable to the trustees because

1 of the absence of a personal guarantee, the length of the plan, and  
2 the delayed start for payments. Representations of defendants would  
3 not give a personal guarantee, so no additional discussions occurred.

4 4. The Notice of Contest objects to imposition of  
5 liquidated damages. Yet the payment plan outlined in Exhibit 11  
6 proposed to pay "...\$1,400.00 per month plus penalties until balance  
7 is paid."

8 I declare under penalty of perjury that the foregoing is  
9 true and correct.

10 Executed on August 7, 2008 at San Ramon, California.

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13 MICHAEL J. CARROLL  
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# CRS WINE SYSTEMS

A DIVISION OF CRS HVAC, INC

TEMPERATURE\*CONTROLLED WINE SYSTEMS\*  
HEATING\*COOLING  
LIC #800219

11 TERRACE DR  
CALISTOGA, CA 94515

February 25<sup>th</sup>, 2008

Michael Carroll  
ERSKINE & TULLEY  
220 Montgomery St #303  
San Francisco, Ca 94104

Dear Mr. Carroll,

CRS HVAC, INC can begin to repay October 2007, November 2007, December 2007, and January 2008 starting May 10 of 2008 @ a rate of \$1,400.00 per month plus penalties until balance is paid.


If at anytime it is possible (dependant on sales and receivables) for CRS HVAC, INC to pay the balance sooner will do so.

Once again, we apologize for the late payments, we are a small company and solely depend on sales and receivables and the economy has not been healthy for HVAC business.

February fringes for Alex only, will be sent March 20 in a timely manner.

This is what we can do at this time.

Respectfully,

Alex and Connie Schellenger 

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